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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,988	12/31/2003	Duane L. McDonald	17,858.3	9975
23556 7590 07/10/2007 KIMBERLY-CLARK WORLDWIDE, INC. 401 NORTH LAKE STREET NEENAH, WI 54956				
			EXAMINER BUI, LUAN KIM	
			ART UNIT 3728	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10749988	12/31/03	MCDONALD, DUANE L.	17,858.3

KIMBERLY-CLARK WORLDWIDE, INC.
401 NORTH LAKE STREET
NEENAH, WI 54956

EXAMINER

Luan K. Bui

ART UNIT	PAPER
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3728

20070701

DATE MAILED:

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Commissioner for Patents

see attached.

Art Unit: 3728

1. The reply filed on 6/18/2007 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Applicant argues that “The Examiner apparently bases the withdrawal on a creative approach but ...” with respect to the Examiner’s withdrawal of claims 2-8, 15, 16, 20 and 22-26 is noted. This is not persuasive because the Applicant just provides argument but fails to provide support in the specification as originally filed that the package of the embodiment of Figure 11B can be made with the first piece of material and the second piece of material have different rigidities or the first piece of material is more rigid than the second piece of material or the second piece of material is more rigid than the first piece of material or the package is vacuum packed or the upper portion of the opening element and the lower portion of the opening element have different rigidities. The Examiner could not find any supports for those limitations with respect to Figure 11B. Without any supports from the specification that the embodiment of Figure 11B can be made with those limitations (as above), those claims will be withdrawn in the next Office Action.

With respect to claim 21, Applicant indicates on page 13, lines 4-10 that “This opening may be provided on numerous configurations of packages ...”. Claim 21 will be examined in the next Office Action.

Since the above-mentioned reply requires further clarification from the Applicant, Applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 3728

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
July 1, 2007

/Luan K. Bui/
Primary Examiner
Art Unit 3728